

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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MCCARTER, JEAN,  
MCCARTER, DENNIS,  
CZECHOWICZ, MARJORIE,  
CZECHOWICZ, THOMAS W.,  
MUCK, JAMES J.,  
MUCK, SHERRY,  
DUDDLESTON, WAYNE C.,  
DUDDLESTON, JEAN M.,

Plaintiffs,

Case No. 07-C-0206-C

v.

RETIREMENT PLAN FOR THE DISTRICT  
MANAGERS OF THE AMERICAN FAMILY  
INSURANCE GROUP, RETIREMENT PLAN FOR  
EMPLOYEES OF AMERICAN FAMILY  
INSURANCE GROUP and AMERICAN FAMILY  
MUTUAL INSURANCE COMPANY,

Defendants.

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**MOTION TO STRIKE THE AFFIDAVIT OF ANDREW L. ORINGER**

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The defendants in this action by their attorneys, GODFREY & KAHN, S.C., hereby move this Court for an order striking the Affidavit of Andrew L. Oringer submitted to the Court by the Plaintiffs on October 17, 2008.

The Defendants submit this motion pursuant to the authority cited in—and for the reasons set forth in—their accompanying Reply Brief in Support of their Revised Statement of Fees and Costs. The Affidavit of Andrew L. Oringer inappropriately introduced putative expert testimony on matters of law, not matters of fact, and did so without any approval from this Court and without any notice whatsoever to the Defendants.

Dated: October 27, 2008.

GODFREY & KAHN, S.C.

By: s/ Kendall W. Harrison  
Todd G. Smith  
Kendall W. Harrison  
Adam C. Briggs

Attorneys for Defendants

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